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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,316	05/23/2006	Marc Humann	P/3453-27	5668
2352 7590 01/26/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER WALTERS, JOHN DANIEL				
ART UNIT 3618		PAPER NUMBER		
MAIL DATE 01/26/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,316

Applicant(s)

HUMANN ET AL.

Examiner

JOHN D. WALTERS

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 20060523
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claims 1 - 20 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 - 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 5 recites the limitation "the cured material". There is insufficient antecedent basis for this limitation in the claim.

Claims 3 and 4 recites the limitation "the cured, connecting material". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recited the limitation of "which are widened in their edge region". The current sentence structure makes it unclear if this limitation is directed towards the anchoring elements or the holes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schretter (7,300,069) in view of Pöllmann (EP1329243), cited by Applicant. Schretter discloses a ski comprising:

- a running surface (Fig. 1, item 2);
- an upper shell (Fig. 1, item 5);
- a foam core (Fig. 1, item 6);
- steel edges (Fig. 1, item 3);
- at least one interface element (Fig. 1, item 7);
- anchoring elements (Fig. 1, item 9);
- at least one binding element (Fig. 1, item 8);
- receiving holes (Fig. 1, un-numbered holes into which item 10 is placed);
- said anchoring elements being passed through a hole in said upper shell and any intermediate layers (Fig. 1 and column 3, lines 6 and 7).

Schretter does not disclose the composition of any additional upper layers.

Pöllmann, however, discloses a ski comprising:

- a connecting resin layer which is cured (Fig. 1, item 8);
- anchoring elements being held within and retained by said connecting resin layer while said core is being cured (Fig. 1, item 14);
- a pre-molded upper shell (Fig. 1, item 9).

In regards to claim 6, Official Notice is taken that, during manufacturing processes, holes intended to receive shafts are created oversized to a degree required

for the proper fit of said shaft. The amount of oversize to said holes is dependent upon the tolerances held in the hole creation process, tolerances held in the shaft creation process, and the type of fit (press, slip, etc) that is designed into the interface between said holes and shafts.

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to include the resin connecting layer of Pöllmann with the ski of Schretter in order to provide additional strength to both the ski overall and to the ski/anchor interface in particular. This would increase durability and safety of said ski.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Imagawa (3,977,688) discloses a structure for connecting a ski binding clamp to a ski;
- Mayr (5,016,901) discloses a ski;
- Hoelzl (5,207,445) discloses a shock absorber securement for a ski binding;
- Mayr et al. (5,221,105) disclose a ski and a manufacturing method therefor;
- Renard et al. (5,449,425) disclose a method for manufacturing a ski;
- Piegay (5,836,604) discloses a board for gliding on snow;
- Huyghe (6,406,054) discloses a gliding board used for alpine skiing;

- Allmann et al. (6,641,162) disclose a glide board for skiing;
- Peker et al. (6,843,496) disclose an amorphous alloy gliding board;
- Riepler (7,011,331) discloses a board like gliding device;
- Ableidinger et al. (2005/0179234) disclose a gliding board;
- Baumgartner et al. (2005/0248127) disclose a sliding board.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

John D. Walters
Examiner
Art Unit 3618

/J. D. W./
Examiner, Art Unit 3618